



## Section V: Suitability

**T**his chapter describes the study's findings relative to Section 4(a) of the Act, which requires the study report to detail the river's suitability for designation into the National Wild and Scenic Rivers System.

### Suitability Criteria

A river's suitability for wild and scenic designation is a matter of whether it is free-flowing and contains outstandingly remarkable resources, whether designation makes sense, and whether designation provides lasting protection. For rivers such as the lower Delaware that flow through predominately private lands, federal land acquisition may not be an appropriate protective measure. Thus, protection must rely on a combination of federal, state, local, and private resource protection actions. If designation is to be effective, the non-federal entities must support and be committed to the implementation of any necessary resource protection measures.

For the lower Delaware River, the criteria used to assess suitability is:

1. Is there local support for designation of the river and implementation of the River Management Plan?

This support was determined primarily by municipal agreement to adopt the goals of the Management Plan and support for national designation of the river. To date 24 of the 37 municipalities in the area under consideration for designation (not counting the Musconetcong River communities) have passed resolutions of support. In addition, twenty-seven municipalities passed resolutions asking that the Musconetcong and Paulinskill rivers, Frya Run, and Smithtown, Paunacussing, Lockatong, and Wickecheoke creeks, be added to the study area.

**89.9% of survey respondents said they support land use regulations and programs to conserve and protect the river.**

Public workshops and the Landowner Survey Report document strong support for preserving the river's natural, historic, and recreational resources. Survey respondents listed scenic beauty, wildlife habitat, and overall atmosphere of the region as the three most important qualities of the area (see Appendix A). In fact, 89.9 percent of those who returned surveys said they would support land use regulations and programs to conserve and protect the river. Eighty-eight



percent of the respondents said they support an overall conservation plan for the river.

2. How adequate are existing protection measures (including state and local resource protection laws, zoning, and land ownership) in conserving the river's outstanding resources and free-flowing character?

Two reports document the significant resource protection provided by the existing municipal land use control, the states of New Jersey and Pennsylvania, and the Delaware River Basin Commission. The Municipality Surveys provide a town-by-town description of land use and zoning regulations. The River Management Plan describes the regulatory and non-regulatory programs by the states, the Delaware River Basin Commission, federal agencies, and non-profit organizations. Further, the plan documents the publicly held land that protects important river-related resources, such as the two canal state parks that parallel the river.

3. Can a resource protection and management framework be developed that closes any resource protection gaps without relying on federal land acquisition and that facilitates communication and cooperation among governmental entities and private citizens who bear responsibility for implementing all river protection measures?

The River Management Plan that is summarized in Section IV provides the framework for enhanced resource protection and greater cooperation between resource management entities. This is accomplished in part through voluntary adoption of the six river management goals and through creation of a River Management Committee under direction of the existing Delaware River Greenway Partnership. By establishing the River Management Committee that will include representatives of all entities responsible for ongoing resource protection, the Plan ensures that future management decisions will be based on resource protection objectives that satisfy the Wild and Scenic Rivers Act mandate to protect and enhance the river's outstanding values. Federal designation will encourage enhanced coordination between two states, six counties, and fifty-seven municipalities. Further, most of the river corridor above the study area is already part of the National Wild and Scenic Rivers System.



## Suitability Finding

All study segments under consideration for designation, except for Tohickon Creek above Nockamixon Dam, are eligible for designation into the National Wild and Scenic Rivers System. The following segments are suitable and recommended for national designation:

**Segment D:** The portion of this segment starting at river mile 193.8 to the northern border of the city of Easton, PA (approx. 10.5 mi., 16.9km)

**Segment F:** The segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approx. 14.2 mi., 22.8 km)

**Segment G:** The segment from the point just south of the Point Pleasant Pumping Station to a point 1000 feet north of the Route 202 bridge (approx. 6.3 mi., 10.1 km)

**Segment H:** The segment from a point 1750 feet south of the Route 202 Bridge to the southern border of the town of New Hope, PA (approx. 1.9 mi., 3.0 km)

**Segment I:** The segment from the southern boundary of the town of New Hope, PA to the town of Washington Crossing, PA (approx. 6 mi., 9.7 km)

**Segment L:** Tinicum Creek (approx. 14.7 mi., 23.7 km)

**Segment M:** Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approx. 10.7 mi., 17.2 km)

**Segment N:** Paunacussing Creek in Solebury Township (approx. 3 mi., 4.8 km)

The following segments are not suitable because not each municipality on both sides of the river has yet passed a resolution supporting designation. It is recommended that designation be granted if municipal resolutions from the communities on both sides of the river segment are passed in the future.

**Segment A:** The Segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, NJ and Portland, PA



**Segment B:** The segment from Erie Lackawanna Railroad Bridge to the southern tip of Dildine Island

**Segment C:** The segment from the southern tip of Mack Island to the northern border of the town of Belvidere, NJ

**Segment D:** The portion of this segment from the southern border of the town of Belvidere, NJ to river mile 196.0

**Segment E:** The segment from the southern border of the town of Phillipsburg, NJ, to a point just north of Gilbert Generating Station (approx. 9.5 mi., 15.2 km)

**Segment J:** Paulinskill River in Knowlton Township

**Segment K:** Cook's Creek from Springfield/Durham townships' border to the Delaware River

**Segment O:** Musconetcong

Nineteen of twenty municipalities along the Musconetcong River requested that it be added to the Lower Delaware Wild and Scenic River Study. Given that the Musconetcong is the largest tributary to the Delaware River in New Jersey and the number of communities affected, it is being studied in a second phase and a separate recommendation will be issued at a later date.

**Segment P:** Lockatong and Wicecheoke Creeks

Delaware, Kingwood, Franklin, and Raritan townships recently passed resolutions requesting that these creeks be considered for Wild and Scenic River designation. To provide an adequate review of their eligibility and suitability a separate recommendation will be presented at a later date.

## Recommended Boundary

Section 7(a) of the Wild and Scenic Rivers Act prohibits federal authorization of any water resources project that would have an adverse impact on the values for which the river is designated. For the purposes of administering Section 7 of the Act regarding actions of the federal government, the Study Task Force recommends that a formal boundary be established within one-quarter mile from the ordinary high water mark on each side of the suitable river segments.